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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,082	02/08/2001	Takeo Morinaga	450100-02998	1661
7590	05/05/2005		EXAMINER	
William S. Frommer, Esq. c/o Frommer Lawrence & Haug LLP 745 Fifth Avenue New York, NY 10151			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/779,082	MORINAGA, TAKEO
	Examiner Thai Tran	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 1,2,5-8,11-15 and 19 is/are allowed.
- 6) Claim(s) 3,4,9,10 and 16-18 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 February 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura et al (US 5,719,982).

Regarding claim 3, Kawamura et al discloses an information reproducing apparatus (Fig. 12) for reproducing a stream of packets describing encoded image data in a predetermined format from a storage device where said stream of packets is recorded in a predetermined recording unit, said apparatus comprising:

reproducing means (DSM 10 and the controlling unit 24 of Fig. 12, col. 8, lines 29-49 and col. 6, lines 31-46) for reproducing said recording unit containing a start part of said encoded image data subjected to intra-frame coding on the basis of the information of said start part added in said recording unit; and

skip playback means (searching operation disclosed from col. 8, lines 58 to col. 9, line 21) for reproducing said recording nit containing at least the start part, and then skipping a predetermined number of recording units to detect the information of the start part added.

Regarding claim 4, Kawamura et al also disclosed the claimed wherein the information of said start part is added to said recording unit on a channel basis of said encoded image data (inserting an entry packet into a predetermined position in the bit stream of the video channel disclosed in col. 6, lines 31-46); and said reproducing means detects the information of said start part in the channel for reproducing (reading entry packet information disclosed in col. 8, lines 40-49).

Method claims 9-10 are rejected for the same reasons as discussed in the corresponding apparatus claims 3-4 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2004/0170390 A1) in view of Kawamura et al (US 5,719,982).

Regarding claim 16, Kim et al discloses a digital broadcasting receiving apparatus (Fig. 1, page 1, paragraphs #0007 and from #0009-#0011) for receiving a stream of packets describing encoded image data in a predetermined format transmitted from a broadcasting station and reproducing said stream from a storage device where said stream is recorded in a predetermined recording unit.. However, Kim et al does not specifically disclose reproducing means for reproducing said recording unit containing a stat part of said encoded image data subjected to intra-frame coding on the basis of the information of said start part added in said recording unit and skip playback means for reproducing said recording unit containing at least the start part, and then skipping a predetermined number of recording units to detect the information of the start part added.

Kawamura et al teaches, in an apparatus and method for decoding data, a reproducing means (DSM 10 and the controlling unit 24 of Fig. 12, col. 8, lines 29-49 and col. 6, lines 31-46) for reproducing said recording unit containing a stat part of said encoded image data subjected to intra-frame coding on the basis of the information of said start part added in said recording unit and skip playback means (searching

operation disclosed from col. 8, lines 58 to col. 9, line 21) for reproducing said recording unit containing at least the start part, and then skipping a predetermined number of recording units to detect the information of the start part added for searching the I pictures in the forward or reverse directions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of searching I pictures as taught by Kawamura et al into Kim et al's system in order to reduce time in searching for the I pictures.

Regarding claim 17, the proposed combination of Kim et al and Kawamura et al discloses all the claimed limitations except for providing the claimed wherein said storage device is a HDD.

It is noted that using HDD for storing MPEG video signal is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known HDD into Kim et al's system in order to increase the storage capacity because HDD has high storage capacity.

Regarding claim 18, the combination of Kim et al and Kawamura et al further discloses the claimed wherein the information of said start part is added to said recording unit on a channel basis of said encoded image data (inserting an entry packet into a predetermined position in the bit stream of the video channel disclosed in col. 6, lines 31-46 of Kawamura et al and the tuning unit 110 disclosed in page 1, paragraph #0010 of Kim et al); and said reproducing means detects the information of said start

part in the channel for reproduction (reading entry packet information disclosed in col. 8, lines 40-49 of Kawamura et al).

Allowable Subject Matter

8. Claims 1-2, 5-8, 11-15, and 19 are allowed.

Claims 1-2, 5-8, 11-15, and 19 are directed to an information recording/reproducing apparatus/method for recording and reproducing a stream of packets describing encoded image data in a predetermined format in and from a predetermined storage device. Each independent claims identifies the uniquely distinct features "adding to said packet the presence or absence information of the start part of said encoded image data subjected to intra-frame coding on the basis of an identified result"; "counting the added presence or absence information of said start part in a recording unit onto said storage device"; and "adding said count result in said recording unit onto said storage device". The closest prior art, Kawamura et al (US 5,719,982) and Fujinami et al (US 5,881,203) discloses conventional video recorder, either singularly or in combination, fails to anticipate or render the above underlined limitations obvious.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

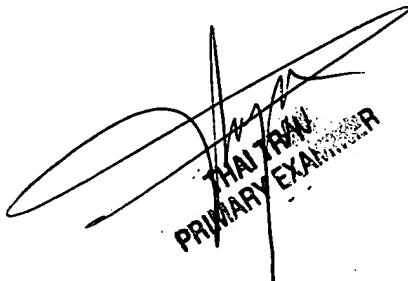
The cited references relate to an apparatus for recording/reproducing MPEG video signal.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



A handwritten signature in black ink, appearing to read "THAI TRAN". Below the signature, the words "PRIMARY EXAMINER" are printed in a stylized, slanted font.